



11 CV 6284

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)

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1. CAPTION OF ACTION

A. Full Name of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

Carmen M. Christie Jitch, health care proxy for Rev. Melvin
D. Christie, Uncle (607) 733-8824 Home
(607) 215-3744 Cell phone

-vs-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

1. Arnot Ogden Medical Center
2. St. Joseph's Hospital
3. _____
4. _____
5. _____
6. _____

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections MUST be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: Federal question - antitrust

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: Defendants operate businesses in
Chemung County - Western District Court.

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Eliminates competition in market area; creates a
monopoly; reduces incentives to improve service or quality.
Allows for unilateral price raises by one dist hospital.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: Carmen M. Christie Jones

Present Address: 413 High St.

Elmira, N.Y. 14901

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: St. Joseph's Hospital

Official Position of Defendant (if relevant): _____

Address of Defendant: 555 St. Joseph's Blvd.

Elmira, N.Y. 14901

Name of Second Defendant: Annet Ogden Medical Center

Official Position of Defendant (if relevant): _____

Address of Defendant: 600 Roe Avenue

Elmira, N.Y. 14905

Name of Third Defendant: _____

Official Position of Defendant (if relevant): _____

Address of Defendant: _____

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No X

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes _____ No _____

If not, give the approximate date it was resolved: _____

Disposition (check those statements which apply):

_____ Dismissed (check the statement which indicates why it was dismissed):_____ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

_____ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

_____ By court due to your voluntary withdrawal of claim;

_____ Judgment upon motion or after trial entered for

_____ plaintiff

_____ defendant

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) On May 25, 2011 The Rev. Melvin D. Christie, defendant (give the name and (if relevant) the position held of each defendant involved in this incident) was notified by St. Joseph's Hospital of its intent to form an integrated health care system with Arnot Ogden Medical Center, Elmira and Ira Davenport Hospital, Bath. He was also notified that the chronic dialysis unit at St. Joseph's would close effective July 9, 2011

did the following to me (briefly state what each defendant named above did): Closing St. Joseph's Hospital's outpatient dialysis clinic would leave one dialysis clinic in the Elmira, NY, therefore leaving Rev. Christie without a viable choice of where to receive competitive services without traveling a hardship distance to an outpatient clinic in a nearby state. Closing the unit would also force Rev. Christie to return to Arnold's dialysis clinic which he chose to leave for St. Joseph's clinic, after experiencing a horrific treatment session at Arnold. Rev. Christie's words: "I would rather die than return there".

The federal basis for this claim is: Section 7 of the Clayton Act as amended, 15 USC 18,

Section 5 of the Federal Trade Commission Act.

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

Immediate injunction to stop the closure of St. Joseph's Dialysis Outpatient Clinic. [Closing the hospital's outpatient dialysis clinic would lead to a monopoly, etc.] Keep patient services for its 42 patients at St. Joseph's Hospital Dialysis Clinic.

B. SECOND CLAIM: On (date of the incident) _____

defendant (give the name and (if relevant) position held of each defendant involved in this incident) _____

did the following to me (briefly state what each defendant named above did): _____

The federal basis for this claim is: _____

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes: _____

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

I am requesting the Court to issue an immediate
injunction preventing the closure of St. Joseph's dialysis
clinic ~~by me~~ until the New York State Attorney General's
Office Anti-trust Division has completed a thorough and
comprehensive investigation into this matter.

Do you want a jury trial? Yes X No

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 8, 2011
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

Carmen H. Christie Jitch

Signature(s) of Plaintiff(s)